

Message Text

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C O N F I D E N T I A L STATE 218257

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E.O. 11652: GDS

TAGS: PFOR, EFIS, PL, US

SUBJECT: POLISH FISHING VESSEL FINED

1. THE M/T LASKARA WAS BOARDED BY USCG SEPTEMBER 10 ABOUT 70 MILES OFF CAPE COD FOR BOTTOM FISHING IN AN AREA WHERE ONLY HERRING FISHING IS ALLOWED. IT HAD AN ILLEGAL CATCH OF 20 TONS.

2. ALTHOUGH THE USCG REQUESTED AUTHORITY TO SEIZE THE VESSEL AND TAKE IT TO BOSTON FOR IMPOUNDING, THE DEPARTMENT OBJECTED AND, WITH WHITE HOUSE CONCURRENCE, ADVISED USCG TO APPLY CIVIL PENALTY SANCTIONS INSTEAD. LASKARA WAS GIVEN TWO CIVIL PENALTY CITATIONS -- INCIDENTAL CATCH AND RECORDS IRREGULARITIES. THE FINES COULD TOTAL A MAXIMUM OF \$25,000 EACH.

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3. THE DEPARTMENT JUSTIFIED ITS OBJECTION TO SEIZURE ON GROUNDS: 1) THE POLES HAVE BEEN COOPERATIVE REGARDING OUR NEW FISHING LIMITS, 2) THEY HAVE A GENERALLY GOOD RECORD, 3) THE LASKARA HAD NO PREVIOUS VIOLATIONS AND, 4) ALTHOUGH THE ILLEGAL CATCH WAS LARGE, THE CIRCUMSTANCES WERE NOT SO SERIOUS AS IN THE PREVIOUS THREE SEIZURES SINCE MARCH 1 OF A SOVIET, A TAIWANESE, AND A MEXICAN VESSEL. GIVEN

THESE CONSIDERATIONS, THE DEPARTMENT FELT THIS A POOR TIME

TO INTRODUCE ANOTHER POSSIBLY CONTENTIOUS ISSUE IN OUR
POLITICAL-ECONOMIC RELATIONS WITH POLAND.

4. FYI. AN ADDITIONAL CONSIDERATION WAS THE FACT THAT,
IT HAS TURNED OUT, THERE ARE NO HERRING IN THIS "HERRING
WINDOW." THUS TO MAKE A BIG ISSUE OF IT COULD HAVE PRO-
DUCED ADVERSE CRITICISM OF OUR FISHING ZONE ARRANGEMENTS.

5. SINCE MARCH 1, THERE HAVE BEEN OVER A 100 CIVIL PENALTIES
(FINES) ISSUED VESSELS OF VARIOUS NATIONALITIES, WITH VERY
FEW COLLECTIONS. UNDERSTANDABLY, THE USCG AND MARITIME
AUTHORITIES ARE ANXIOUS TO PUT TEETH IN OUR SANCTIONS
AGAINST VIOLATIONS OF THE NEW FISHING LIMITS. CONSEQUENTLY,
THE POLES AND OTHERS CAN PROBABLY EXPECT STRICTER PUNISH-
MENT FOR FUTURE VIOLATIONS.

6. ACTION REQUESTED: INFORM THE FOREIGN MINISTRY OF THIS
INCIDENT AND, DRAWING ON PARAGRAPH 3 ONLY, MAKE THE POINTS
THAT 1) THE DEPARTMENT SUCCESSFULLY INTERVENED ON BEHALF
OF THE POLES, 2) IT WAS ABLE TO GET LIGHTER TREATMENT
CHIEFLY OWING TO POLAND'S COOPERATIVE ATTITUDE ON OUR FISH-
ING ARRANGEMENTS AND TO POLAND'S GOOD RECORD IN OBSERVING
THE LIMITS, 3) THIS WILL NOT BE SO EASY NEXT TIME, AND 4)
IT BEHOOVES THE POLES TO MAINTAIN THEIR GOOD RECORD BY
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PAYING THE FINES PROMPTLY. VANCE

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